



POLICE DEPARTMENT

October 27, 2015

MEMORANDUM FOR: Police Commissioner

Re: Detective Mike Oner
Tax Registry No. 916363
Police Service Area 1
Disciplinary Case No. 2013-10406

The above-named member of the Department appeared before me on July 21, July 28, August 31, September 3 and September 17, 2015, charged with the following:

1. Said Detective Mike Oner, assigned to the 94th Precinct, while off-duty, on or about September 10, 2013, within the confines of the 122nd Precinct, in Richmond County, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that said Detective was involved in a physical altercation with Richard Estreicher.

P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS

2. Said Detective Mike Oner, assigned to the 94th Precinct, while off-duty, on or about September 10, 2013, within the confines of the 122nd Precinct in Richmond County, failed to safeguard his firearm.

P.G. 204-08, Page 2, Paragraph 7 – FIREARMS - GENERAL REGULATIONS

The Department was represented by Penny Bluford-Garrett, Esq., Department Advocate's Office, and Respondent was represented by Marvyn Kornberg, Esq.

Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent is found Guilty of Specifications 1 and 2.

SUMMARY OF EVIDENCE PRESENTEDThe Department's Case

The Department called Lieutenant Andrew Cappa, Richard Estreicher, Sergeant Yasmin Hicks, Police Officer Elizabeth Adams, Police Officer David Kosinski, and Lawrence Teller as witnesses. Both sides also agreed to a stipulation that Respondent's department-issued firearm was inside his vehicle during this entire incident.

Mr. Estreicher, a retired firefighter, testified that at the time of the incident, he and Respondent were neighbors [REDACTED]. Respondent's house was around the corner from Estreicher's, and their backyards abutted each other; Estreicher has since moved out-of-state. Estreicher described the antagonistic nature of their relationship beginning in 2011, and provided some specific accounts of minor disputes between the two families back then. The problems continued into 2013, and Estreicher gave a couple of examples from the months immediately preceding this occurrence. For instance, he testified that in August 2013, he and his wife had an argument with Respondent's wife near the Estreichers' driveway; this conversation was recorded by the Estreichers and introduced into evidence (Dept. Ex. 1). During this exchange, Respondent's wife referred to Estreicher as a "Jew"; Respondent's wife then defended her comment based on the Estreichers calling her a "terrorist" all the time. Throughout the argument, which featured numerous family insults and accusations, Respondent's wife sounded genuinely upset that Mr. Estreicher was repeatedly coming outside to stare

at her children, while Mr. Estreicher seemed to be provoking Respondent's wife, possibly because he knew he was recording her; indeed, one of the first things heard on the recording is Mr. Estreicher saying, "Internal Affairs is gonna like this," and later on the tape he is heard saying, "I'd rather knock your husband out." (Tr. 108-113)

Regarding the actual incident, Estreicher testified that he was walking to the deli at about 12:55 p.m. on September 10, 2013 when he was confronted by Respondent [REDACTED] [REDACTED] Respondent, who was driving his car at the time, stopped his vehicle in the middle of the street and started screaming at Estreicher; Estreicher claimed he couldn't make out precisely what Respondent was saying. (Tr. 123)

According to Estreicher, Respondent then exited his car and came over to Estreicher on the sidewalk. The two exchanged words: Estreicher said "Mike, you don't want to do this," but again Estreicher claimed he couldn't make out what Respondent was saying. Respondent then spit in Estreicher's face. As Estreicher turned to walk away, continuing in the direction of the deli, he felt Respondent reach around from behind and punch Estreicher in his left cheek. Estreicher, dazed, turned and started kicking at Respondent's stomach or chest area to defend himself, but they came together again and Respondent head-butted Estreicher in the nose. The two men then "flipped on the ground somehow." (Tr. 124, 174-178, 182) Estreicher denied telling IAB that he was hit from behind and went down. (Tr. 182-183) Estreicher also denied ever biting Respondent in the head. (Tr. 184)

While on the ground, they both exchanged punches. Estreicher claimed that he heard a man say "he has a gun", so Estreicher chomped on Respondent's finger to prevent him from pulling a trigger; Estreicher acknowledged, though, that he never

actually saw a gun himself. (Tr. 126, 156, 185) Estreicher stated that after the finger-bite, Respondent stood up and started walking away, and then Estreicher noticed police officers responding to the scene. (Tr. 126, 198-199)

Estreicher testified that as a result of Respondent's actions, Estreicher suffered a left orbital fracture, a fractured nose, a torn labrum, and various other cuts and bruises to his body including a bite mark to his arm. The Department introduced 39 photographs depicting these injuries (collectively Dept. Ex. 5), as well as medical records reflecting the injury to his eyes and nose (Dept. Ex. 6) and to his shoulder (Dept. Ex. 7). The photographs show extensive cuts, bruising, and swelling to Estreicher's face, as well as other cuts and bruises to his arms, legs, and right upper-back/shoulder area. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] his testimony, Estreicher acknowledged that the medical records do not indicate that he ever complained of a bite mark to the arm (Tr. 152), and he confirmed that there is no allegation of such bite mark in the civil lawsuit he filed against Respondent. (Resp. Ex. A) The lawsuit does, however, contain an allegation that Respondent "jabbed a pen into the face" of Estreicher, an accusation not repeated in Estreicher's other accounts of what happened that day. Estreicher also admitted that he didn't complain about the shoulder injury until four months after the incident, when he became aware of the discomfort; he later chose to have [REDACTED] after also consulting with a civil attorney about bringing a lawsuit. (Tr. 186, 189-190)

The Department introduced three photographs showing the area of the incident (Dept. Ex's 2-4). Estreicher pointed out the locations of his house and Respondent's, as well as the path Estreicher was taking on the way to the deli. (Tr. 171-172). Estreicher acknowledged that after leaving his own house, he then had to pass in front of Respondent's home on the way to the deli. Estreicher denied having any type of confrontation with Respondent's wife as he passed by Respondent's house. (Tr. 172)

Estreicher stated that at some point after the incident of September 10, 2013, he made a complaint to Sgt. Hicks that Respondent, or people in his family, were terrorists, based on seeing a suspicious truck occasionally pull up to Respondent's home, and because a lot of men live in Respondent's house. (Tr. 160, 165, 209-210) Estreicher claimed to have made these observations while he was walking around the neighborhood or driving by Respondent's house. (Tr. 207-209) Estreicher also called Homeland Security to make a report. (Tr. 212) When confronted about whether there really was a strong foundation for these complaints, Estreicher smiled and responded, "You never know." (Tr. 161-162)

Sgt. Hicks of the Brooklyn North Investigations Unit testified that she investigated the ongoing dispute between Respondent and Estreicher, and eventually was assigned to the September 10, 2013 incident as well. Hicks stated that prior to this incident, both Respondent and Estreicher had made harassment complaints against each other; Hicks interviewed both parties, and none of the allegations were substantiated. (Tr. 226, 234) Hicks was aware of only one prior allegation made by Respondent against Estreicher, for an incident on July 17, 2012; she was not aware of any other "61" complaint reports being filed by Respondent against Estreicher. (Tr. 237-240)

Regarding the incident of September 10, 2013, Hicks gathered together the various reports and later interviewed Estreicher. Hicks confirmed that Estreicher originally was unwilling to make a statement to authorities until he first spoke with an attorney, but he did begin to cooperate with police five hours later. (Tr. 270-272) Hicks interviewed Estreicher on September 17 by phone; in that interview, Estreicher stated that Respondent punched him in the face causing him to fall to the ground, where he was unable to defend himself. (Tr. 242, 276) Estreicher never specifically said he kicked Respondent, and never said he bit Respondent in the head. (Tr. 243, 277)

Hicks confirmed that Estreicher had made allegations in a phone call to IAB that Respondent was a terrorist; Hicks did not follow up on that accusation. (Tr. 254) Hicks also stated that she never had a chance to review the 911 calls in connection with this incident since the recording was deleted before she requested it. (Tr. 282-283) Hicks indicated that from her review of the interviews of the responding police officers, no officer observed who threw the first punch during the incident. (Tr. 287) Hicks also confirmed that Respondent's firearm was recovered from inside his vehicle, not on his person. (Tr. 283)

Officer Elizabeth Adams of the 122 Precinct testified that she and her partner, Officer David Kosinski, were the first to arrive at the scene; they were responding to a 10-13 call, that an officer needed assistance. Officer Adams stated that she saw Respondent's white four-door sedan, with the driver's door ajar, sitting in the traffic lane. Officer Adams observed Respondent and Estreicher on the ground on the sidewalk throwing punches at each other, with Respondent on top of Estreicher. She and her partner broke up the fight and separated the two men. (Tr. 315-318, 325) Both men had

visible injuries: Estreicher had a black eye, a laceration to his nose, and blood on his face. Respondent had a lot of blood on his face as well. Additionally, Estreicher's shirt was torn. (Tr. 318, 328)

At the scene, Officer Adams spoke with Estreicher, who claimed he was walking to the bus stop when Respondent stopped his car, exited the vehicle, and started a fight with him; Estreicher did not mention that he was going to a deli. Estreicher also did not tell Officer Adams that Respondent had come from behind and struck him; in fact, Estreicher never mentioned who threw the first punch. (Tr. 319, 330-332) Officer Adams later spoke with Respondent at the hospital. Respondent stated that Estreicher had approached his car and started punching Respondent through the driver's side window. After Respondent exited his car, Estreicher put Respondent in a headlock and bit him in the head. The fight then moved to the sidewalk. (Tr. 320-321, 332, 334) Officer Adams confirmed that she heard hospital staff discussing that there were bite marks on Respondent. (Tr. 333)

Officer Kosinski also testified, essentially confirming Officer Adams' version of events. Unlike Officer Adams, he stated that Respondent's car doors were shut, with the engine running and the car unoccupied. (Tr. 362-363, 373) He described the two men struggling on the ground and punching each other; Respondent was on top when he first saw them, but they were rolling on the ground so their relative positions varied. The officer did not see who threw the first punch. (Tr. 369-371) After they were separated, Officer Kosinski stayed with Respondent, who was bleeding profusely from his head and had "road rash" to the leg. Respondent identified himself as a Member of the Service, and had a shield visible on his belt. (Tr. 364-365, 371) At the hospital, Respondent told

Officer Kosinski that Estreicher had confronted him while he was in his car, and that Estreicher began punching him through the car window. After Respondent exited his car, Estreicher put him in a chokehold and bit his scalp. (Tr. 366-367, 372-373) Officer Kosinski did not see a service weapon on Respondent during the altercation. (Tr. 374)

Lawrence Teller, a civilian, testified that he was driving in a car behind Respondent's when he witnessed the incident occur. Although Teller was unable to make an in-court identification, there is no question that the two people he saw involved in the altercation were Respondent and Estreicher. Teller observed Respondent stop his vehicle in the middle of the street and yell out to Estreicher on the sidewalk; Teller's windows were closed and he could not hear what was being said. Estreicher then approached the vehicle where more words were exchanged, but Teller did not see any physical altercation while the two men were at the car. (Tr. 443-444, 446, 459-461)

According to Teller, Estreicher returned to the sidewalk, and Respondent exited his car and followed him there, leaving his car door open. Teller described seeing the two men pushing each other on the sidewalk; Teller did not observe Respondent punch Estreicher from behind. The two men went down to the ground, where they wrestled and punched each other, though Teller could not say who threw the first punch. It appeared to Teller that Respondent was getting the better of the fight. Teller drove away after about 15-20 minutes. Teller had never seen either man before that date. (Tr. 444-445, 447-448, 465-467)

Teller acknowledged that since this incident happened about two years ago, he needed to review the transcript and listen to the recording of his interview from September 10, 2013 to help refresh his recollection. At one point in that prior interview,

Teller stated that Estreicher did approach the car, though later in that same interview he suggested otherwise. Teller testified that he now remembered that Estreicher did, indeed, initially cross the street to Respondent's car. (Tr. 455, 468-472)

Lieutenant Cappa testified that he assisted the duty captain in the preliminary investigation regarding this matter. On September 10, 2013, the lieutenant conducted interviews of police and civilian witnesses to the incident. One of the witnesses he interviewed was the civilian, Teller; they spoke on the phone, and the lieutenant recorded their conversation. (Tr. 50)

Respondent's Case

Respondent called Emanuel Roveccio, James Hassett and Dilek Oner as witnesses. Respondent testified on his own behalf.

Emanuel Roveccio, who was a neighbor of Respondent and Estreicher, testified that he heard Estreicher call Respondent a "sand-nigger", "terrorist", and say that Respondent's whole family were terrorists. (Tr. 349-350) Roveccio acknowledged that he had a history of problems with Estreicher, as Estreicher had made complaints against him to numerous city agencies, and had acted disrespectfully toward Roveccio's parents. (Tr. 351, 357-359)

Another neighbor, James Hassett, provided similar testimony. Hassett, who is a manager in the Radio Repair Operations unit of the NYPD, stated that on occasion he heard Estreicher call Respondent a "terrorist." He also heard many exchanges with "foul language" between Respondent and Estreicher. (Tr. 380) Hassett, too, acknowledged that he had prior difficulties with Estreicher: Hassett filed numerous harassment complaints against Estreicher for staring at his family in an intimidating manner, making insulting

comments, and singing songs that ridiculed Hassett's family. Hassett also complained that Estreicher played his music, with obscene lyrics, excessively loud. No action was taken in response to any of these complaints. (Tr. 378-379, 382-383)

Dilek Oner, Respondent's wife, testified that her family had made four harassment complaints with the police about Estreicher's behavior; only two pre-dated this incident, and those were admitted into evidence. (Resp. Ex. C, collectively) Ms. Oner testified that she and her husband tried unsuccessfully to get an order of protection against Estreicher; since Estreicher was not a family member and had not been arrested, their request was denied. (Tr. 400) She and her husband met with a police chief from the "hate crimes" unit, but ultimately nothing was done. (Tr. 401-402) Ms. Oner stated that at various times Estreicher had called her and her husband a "terrorist", a "camel jockey", "towel heads", and "sand-niggers". (Tr. 416) When asked why she called Estreicher a "Jew" during the altercation of August 11, 2013, Ms. Oner claimed that she merely was trying to illustrate for Estreicher why it was improper for him to call her and her husband "terrorists". (Tr. 421, 424)

Regarding the day of the incident, Ms. Oner described how Respondent had gone out to vote and she was on her front porch. Estreicher appeared at the front of her home and made a rude gesture with his fingers and tongue, simulating performing oral sex on a female. Ms. Oner, crying, went inside and called her husband to come home; when he returned, Ms. Oner told Respondent what had occurred. Ms. Oner claimed that Respondent wasn't upset, and merely told her to make another report with the police. Respondent then left to go to work. (Tr. 403-405, 407)

When Ms. Oner later called her husband to tell him she was heading to the precinct to file a report, he informed her that there had been an altercation with Estreicher. Ms. Oner walked to the location, where the fight already had ended. According to Ms. Oner, her husband was bleeding all over his face, but Estreicher was not. Later at the precinct, Respondent informed her that he had wanted to confront Estreicher for having "crossed the line by doing sexual stuff." (Tr. 408-414)

Respondent, a 20-year member of the department, testified about the history between his family and the Estreichers. He echoed his wife's testimony regarding the derogatory terms Estreicher used to describe Respondent, the racial bias complaints they had made and how nothing was done to help them. He also confirmed his wife's description of how the events of September 10 began, with his wife informing him of the crude gesture Estreicher had made to her in front of the Oners' house. (Tr. 484-488) Respondent acknowledged that he was "upset" when his wife told him what had occurred. (Tr. 516)

According to Respondent, as he was driving to work he noticed Estreicher waving his hands at Respondent from the sidewalk. Estreicher approached the car and started waving his fist and challenging Respondent from outside the driver's side window, though there were no punches thrown; Respondent maintained that he never told anyone that punches were thrown while he was still in the car. Estreicher walked back to the sidewalk, and Respondent decided to pursue him, not to have a physical confrontation but to let Estreicher know that "he [had] crossed the line." Respondent insisted that he only "wanted to confront him verbally." Before exiting the car, which was stopped in the

middle of the street, Respondent placed his department-issued .38 into the middle console. (Tr. 489-490, 504, 520)

Respondent testified that as he followed Estreicher to the sidewalk, Estreicher had his fists up in a "fighting stance", and told Respondent that he was a kickboxer and a marine. Respondent asked Estreicher if he was sure he wanted to do this, at which point Estreicher kicked Respondent in the chest, the first physical contact between them. Estreicher then threw a punch which Respondent ducked, but Estreicher placed him in a headlock and bit the top of Respondent's head. The two men fought until finally, Respondent told one of the civilians in the area that he was an officer in need of help, and to please call 911. (Tr. 491-492, 517, 527-529) Respondent was taken to the hospital, where he received four staples to close the wound to his head. Respondent introduced into evidence six photographs depicting his injuries (Resp. Exs. D-I), including bite marks to the head, scratches to the eye, forehead and feet, bruises to both knees, and bite marks to the left hand, as well as one photograph showing the torn and bloody condition of Respondent's clothing (Resp. Ex. J). Respondent also submitted medical records from [REDACTED] University Hospital: "discharge instructions" for a human bite mark wound. (Resp. Ex. K) Respondent acknowledged that he has a counter-suit against Estreicher. (Tr. 529-531)

FINDINGS AND ANALYSIS

Not surprisingly, Estreicher and Respondent provided conflicting accounts of the incident, each suggesting that the other was the aggressor. There were flaws in each of their versions: Estreicher was inconsistent in details such as where he was going at the

time, how the altercation started, and he wasn't completely forthcoming as to his conduct during the fight; Respondent's account at trial regarding the beginning of the confrontation differed from what he told officers on the day of the incident, and he, too, downplayed his role in what transpired. The first officers who arrived on the scene saw the two men already fighting, and so shed little light on the origin of the encounter. There was, however, a civilian who witnessed the beginning of the altercation. From his car immediately behind Respondent's vehicle, Lawrence Teller was able to see much of what occurred. Neither party was known to Teller at the time, and I credit his account as an unbiased, honest description of what occurred that day.

Teller's testimony portrayed Respondent as an active participant in this confrontation, even if the witness couldn't see who actually threw the first punch. Teller described Respondent initially stopping his car and motioning and yelling toward Estreicher on the opposite sidewalk. Although Teller claimed that he then saw Estreicher approach Respondent's car, there was no physical altercation at that point. After Estreicher walked back to the sidewalk, Teller then saw Respondent exit his car and follow Estreicher to the sidewalk, which is where the fight occurred. Rather than show restraint and avoid any contact with Estreicher, Respondent chose to confront him and a physical struggle ensued.

A good part of Respondent's defense focused on how Estreicher's behavior provoked the ill-will between his family and Respondent's that culminated with the incident of September 10. Counsel for Respondent emphasized how his client repeatedly attempted to deal with the conflict through proper, official police channels, but received

almost no support in that regard. Counsel urged that the altercation between Respondent and Estreicher must be viewed in the context of this history between them.

To be sure, Respondent raised some valid concerns regarding the extent to which Estreicher's behavior was a strong contributing factor to this incident. From the testimony of several neighbors as well as Respondent and his wife, this tribunal sensed that Estreicher was often more instigator than victim in his interactions with Respondent's family. In the earlier dispute by the driveway that was recorded by Estreicher, there was a tone of amusement in Estreicher's voice as he anticipated how IAB was going to like the recording he was about to make.

However, even if it is true that over time Estreicher continued to antagonize Respondent, that provocation did not eliminate the need for Respondent, as a Member of the Service, to do everything he could to avoid a physical confrontation with Estreicher. Respondent may very well have been justified in his anger toward Estreicher after the latter made an obscene gesture toward his wife; but it was Respondent's responsibility as an officer not to let that anger induce him to confront Estreicher in the manner he did. Better judgment and restraint were called for here, notwithstanding counsel's suggestion that there isn't a cop in the building who wouldn't have "crack[ed] him in the head."

Respondent, having reached his tipping point, decided to take a more aggressive approach, and for that he must be held accountable. He chose to stop his car in the middle of the street and chose to follow Estreicher back to the sidewalk to confront him. He then became involved in a physical altercation in which he caused serious facial injuries to his opponent. That he, too, suffered injuries does not excuse his misconduct here. Similarly, even if it is unclear who threw the first punch, that uncertainty does not

absolve Respondent of his responsibility to have avoided contact with Estreicher in the first place. Regardless of who threw the first punch, what's most problematic here is that Respondent willingly placed himself in a position where a physical confrontation was likely to occur, and that's exactly what happened. As a result, I find Respondent guilty of Specification No. 1.

This tribunal also finds that the Department has met its burden of proving that Respondent failed to safeguard his firearm, in violation of Patrol Guide Section 204-08 (7). Both parties stipulated that the weapon was left inside the vehicle during the entire incident. Respondent himself conceded that he deliberately placed his gun in the center console of the car, and then left the car unattended in the middle of the street as he went to confront Estreicher. The civilian witness Teller testified that Respondent left the car door open after he exited the vehicle, and one of the officers (Adams) testified that the door was ajar upon their arrival.

Respondent claimed that he chose to leave the weapon in the car because "Mr. Estreicher makes a lot of allegations." (Tr. 489) However, even if Respondent believed he had good intentions in leaving the gun inside the car when he went to confront Estreicher, it was irresponsible and dangerous for him to do so. While Respondent was engaged with Estreicher on the opposite sidewalk, his firearm was left essentially unattended, where any passing civilian could have had access to it. An officer, entrusted to protect and safeguard the public, must be held accountable for securing his firearm; it is undisputed that Respondent failed to do so properly. Accordingly, I find Respondent guilty of Specification No. 2.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on June 30, 1995. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

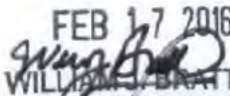
The Department asks for termination as the appropriate penalty. This tribunal does not agree. In support of its position, the Department cites two cases: In *Disciplinary Case No.* [REDACTED] an eight-year officer with no disciplinary history was dismissed from the Department for assaulting a pedestrian who had dented his car; the officer turned the victim upside down and dropped him on his head. In *Disciplinary Case No.* [REDACTED] a five-year officer with no disciplinary history was dismissed from the Department for engaging in a physical altercation with his former girlfriend; the girlfriend suffered an orbital blowout fracture requiring invasive surgery. However, that decision also noted that most physical altercation cases don't result in termination.

In assessing this case, this tribunal is well aware of the serious injury caused by Respondent's actions. Also, Respondent has a prior disciplinary history; in 2010 he was placed on dismissal probation and forfeited 40 days for a troubling sequence of events where he was discourteous to two supervisors and failed to comply with lawful orders from a superior officer. Further, Respondent has been found guilty of the additional specification for failing to safeguard his firearm during this incident.


However, this tribunal also is mindful of the history between Respondent and Estreicher, and it is important to view what happened on September 10, 2013 in the context of that history. Although Respondent's actions were not justified, Estreicher's conduct did provoke Respondent's response in this case; this was not a one-sided assault on a completely innocent victim. This history was not enough to warrant a "not guilty" finding, but it is relevant on the issue of determining an appropriate penalty. In *Disciplinary Case No.* [REDACTED] a five-year officer with no disciplinary history received a penalty of thirty (30) suspension days already served and one-year dismissal probation for assaulting an acquaintance during a bar fight; although there was evidence that the complainant had started the fight, the officer did not do enough to de-escalate the situation. The complainant there suffered a nasal fracture, and may have received permanent nerve damage to his eye.

After considering the totality of the circumstances, I recommend the following penalty: that Respondent forfeit thirty (30) days already served on pre-trial suspension, that he forfeit thirty (30) vacation days, and I further recommend that Respondent be DISMISSED from the New York City Police Department, but that his dismissal be held in abeyance for a period of one (1) year, pursuant to Section 14-115 (d) of the Administrative Code, during which he remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings.

APPROVED

FEB 17 2016

WILLIAM J. BRATTON
POLICE COMMISSIONER

Respectfully submitted,



Jeff S. Adler

Assistant Deputy Commissioner - Trials

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
DETECTIVE MIKE ONER
TAX REGISTRY NO. 916363
DISCIPLINARY CASE NO. 2013-10406

In his last three performance evaluations Respondent received a 3.5 “Highly Competent/Competent” in 2013; a 4 “Highly Competent” in 2012; and a 4.5 “Extremely Competent/Highly Competent” in 2011. [REDACTED]

[REDACTED] Respondent received one medal for Excellent Police Duty and two medals for Meritorious Police Duty.

Respondent has been the subject of prior disciplinary charges. In 2010, Respondent forfeited 31 pre-trial suspension days; nine vacation days; and was placed on one-year dismissal probation for, being discourteous and using profanity towards two supervisors, a sergeant and a lieutenant.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner – Trials